

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

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TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: HEALTH, Communicable Disease, Tuberculosis Control Branch
 (Department/Division/Agency)

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Tuberculosis drugs

Name of Vendor:

Cost: \$364,000

Address:

See attached

Term of Contract:

From: Date of
Approval

To: 12/31/04

Prior Exemption Ref. No. (if applicable)

P.E. No. 03-40-R

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

On November 4, 1992, the Veterans Health Care Act was signed into law as P.L. 102-585. A new section in the Act creates a program wherein drug manufacturers must provide statutory discounts for covered outpatient drugs to agencies receiving grant funds related to treatment of tuberculosis through a state or local government. The State of Hawaii's Tuberculosis Program is a participant. Tuberculosis drugs under this Act are discounted with prices that cannot be matched by non-participating drug manufacturers. The results are cost effective to program operations.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

Vendor to be selected from drug manufacturers providing statutory discounts.

A description of the agency's internal controls and approval requirements for the exempted procurement:

Program to follow State's procurement code delineated under Section 3-120-4. Procurements exempt from Chapter 103D HRS. Exclusion from Veterans Health Care Act would compel program to meet small purchase requirements for amounts less than threshold levels and be subject to competitive bidding for amounts equal to or greater than threshold.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Valerie K. Ako, Chief	DOH, Administrative Services Office
Calvin Kunihsa, Fiscal Officer	DOH, Administrative Services Office
Michael Zucker, PHAO	DOH, CDD, Tuberculosis Control Branch

Direct questions to:

Michael Zucker, PHAO

**Phone Number:**

(808) 832-3542

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes ☒ No ☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.



11/24/03

Department Head or Designee

Date

Deputy Director

Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ APPROVED☐ DISAPPROVED

12/12/03

Date

cc: Administrator,
State Procurement Office